

**State Water Resources Control Board**  
Division of Drinking Water

September 9, 2016  
Certified Mail/Return  
7012 3460 0003 1112 7567

Butte City Community Services District  
P.O. Box 124  
Butte City, CA 95928

Attention: Jesus Campos, President

**Subject: Public Water System No. 1100711 – Citation No. 21-16C-024 for Violation of Citation Directives.**

It has come to our attention that the Butte City Community Services District (BCCSD) water system failed to complete directives given in Citation Nos. 21-15C-005, 21-15C-034, and 21-16C-001, issued January 22, 2015, October 23, 2105, and January 27, 2016, respectively. The Division of Drinking Water hereby issues the enclosed Citation to BCCSD. The enclosed citation includes directives for corrective action.

**Please be advised that this citation imposes civil penalties as a result of failure to address previous citation directives.**

Section 116577 of the Health and Safety Code allows the division to be reimbursed by the public water system for costs incurred for preparing and issuing a citation. Currently, the hourly rate is approximately \$153.00 per hour.

If you have any questions please call Paul Rowe at (530) 224-4866 or contact me directly at (530) 224-4861.



Reese B. Crenshaw, P.E.  
Valley District Engineer  
DRINKING WATER FIELD  
OPERATIONS BRANCH

cc: Bruce Burton, Assistant Deputy Director – Northern California Drinking Water FOB  
Di Aulabaugh, Glenn County Board of Supervisors Clerk

Enclosures

1 **Citation No. 21-16C-024**

2  
3 **STATE OF CALIFORNIA**  
4 **WATER RESOURCES CONTROL BOARD**  
5 **DIVISION OF DRINKING WATER**  
6

7 **Public Water System:** Butte City Community Services District

8 **Water System No.:** 1100711  
9

10 **To:** Butte City Community Services District  
11 Attn: Jesus Campos  
12 P.O. Box 124  
13 Butte City, CA 95920  
14

15 **Issued:** September 9, 2016  
16 VIA CERTIFIED MAIL  
17 7012 3460 0003 1112 7567  
18  
19

20 **CITATION FOR VIOLATION OF**  
21 **DIRECTIVES 2 AND 3 OF CITATION NO. 21-15C-005,**  
22 **DIRECTIVES 2 AND 3 OF CITATION NO. 21-15C-034,**  
23 **AND DIRECTIVES 1 AND 3 OF CITATION NO. 21-16C-001**  
24

25 Section 116650 of the California Health and Safety Code (CHSC) authorizes the  
26 issuance of a citation for failure to comply with a requirement of the California Safe

1 Drinking Water Act (CHSC, Division 104, Part 12, Chapter 4, commencing with  
2 Section 116270), or any regulation, standard, permit, or order issued thereunder.

3  
4 The State Water Resources Control Board, acting by and through its Division of  
5 Drinking Water (hereinafter "Division") and the Deputy Director for the Division,  
6 hereby issues a citation to Butte City Community Services District for failure to comply  
7 with Sections 64675 and 64690, Title 22, of the California Code of Regulations (CCR).

8  
9 **APPLICABLE AUTHORITIES**

10 Section 116650 of the CHSC states:

11 *(a) If the department determines that a public water system is in violation*  
12 *of this chapter or any regulation, permit, standard, citation, or order*  
13 *issued or adopted thereunder, the department may issue a citation to*  
14 *the public water system. The citation shall be served upon the public*  
15 *water system personally or by certified mail. Service shall be deemed*  
16 *effective as of the date of personal service or the date of receipt of*  
17 *the certified mail. If a person to whom a citation is directed refuses to*  
18 *accept delivery of the certified mail, the date of service shall be*  
19 *deemed to be the date of mailing.*

20  
21 *(b) Each citation shall be in writing and shall describe the nature of the*  
22 *violation or violations, including a reference to the statutory provision,*  
23 *standard, order, citation, permit, or regulation alleged to have been*  
24 *violated.*  
25

1 (c) A citation may specify a date for elimination or correction of the  
2 condition constituting the violation.

3  
4 (d) A citation may include the assessment of a penalty as specified in  
5 subdivision (e).

6  
7 (e) The department may assess a penalty in an amount not to exceed  
8 one thousand dollars (\$1,000) per day for each day that a violation  
9 occurred, and for each day that a violation continues to occur. A  
10 separate penalty may be assessed for each violation.

11  
12 **Directives 2 and 3 of Citation 21-15C-005 (Issued January 22, 2015) provided:**

13 2. Conduct lead and copper monitoring from customer's taps in June, July,  
14 August, or September of 2015, and then again in June, July, August, or  
15 September of 2017. Thereafter, sampling may resume to triennial. Samples  
16 shall be collected in accordance with the Lead and Copper Rule sampling per  
17 Title 22, Section 64677. The analytical results must be reported to the Division  
18 by the 10<sup>th</sup> day of the month following the month in which the analyses were  
19 completed.

20  
21 3. The District shall provide public notification (by inclusion in the **2014**  
22 **Consumer Confidence Report**) of the failure to sample lead and copper, as  
23 required by the Lead and Copper regulations.

24  
25 **Directives 2 and 3 of Citation 21-15C-034 (Issued October 23, 2015) provided:**

26 2. The Water System shall prepare and distribute the 2014 Consumer Confidence  
27 Report to its customers **by December 31, 2015**. The Consumer Confidence

1 Report must be prepared and delivered in accordance with Title 22, Sections  
2 64480 through 64483.

- 3
- 4 3. The Water System shall include in the 2014 Consumer Confidence Report  
5 public notification of the failure to collect lead and copper samples in 2014 and  
6 2015, and failure to provide the 2014 Consumer Confidence Report by July 1,  
7 2015.

8

9 **Directives 1 and 3 of Citation 21-16C-001 (Issued January 27, 2016) provided:**

- 10 1. **By February 25, 2016**, the Water System shall prepare and distribute the 2014  
11 Consumer Confidence Report to its customers. The Consumer Confidence  
12 Report must be prepared and delivered in accordance with Title 22, Sections  
13 64480 through 64483 and be pre-approved by the Division before distribution.  
14 The Consumer Confidence Report (CCR) must indicate the violations for the  
15 late 2014 CCR and the missed lead and copper samples.
- 16
- 17 3. **By April 25, 2016**, the Water System shall mail to each consumer Attachment  
18 'B', notifying all persons served of the failure to sample lead and copper in  
19 2013 and 2015. Notification shall be completed in accordance with the  
20 following:
- 21
- 22 a. Provide the notice contained in Attachment 'B' by posting in  
23 conspicuous locations throughout the area served by the Water System.  
24 Changes and/or modifications to Attachment 'B' shall not be made  
25 unless approved by the Division.
- 26
- 27

**STATEMENT OF FACTS**

The Butte City Community Services District (hereinafter "Water System") is classified as a community water system serving approximately 100 people. The Water System operates under a Water Supply Permit No. 01-02-93P11043, issued on December 31, 1993.

As of the date of this Citation the Water System has not completed the following actions as specified in citation directives above:

- Collect and submit 2015 lead and copper sample results in accordance with Directive 2 of Citation No. 21-15C-005.
- Submit certification of Tier 3 notification of failure to sample lead and copper in 2014 and 2015 in accordance with Directive 3 of Citation No. 21-15C-005, Directive 2 of Citation No. 21-15C-034, and Directive 1 of Citation No. 21-16C-001.
- Submit certification of Tier 2 notification of failure to sample lead and copper in 2014 and 2015 in accordance with Directive 3 of Citation No. 21-16C-001.
- Submit certification for the delivery of the 2014 Consumer Confidence Report in accordance with Directive 2 of Citation No. 21-15C-034, and Directive 1 of Citation No. 21-16C-001.
- Submit certification of Tier 3 notification of failure to distribute the 2014 Consumer Confidence Report in accordance with Directive 2 of Citation No. 21-15C-034, and Directive 1 of Citation No. 21-16C-001.

**DETERMINATIONS**

The Division has determined that the Water System continues to be in violation of Directives 2 and 3 of Citation No. 21-15C-005, Directives 2 and 3 of Citation No. 21-15C-034, and Directives 1 and 3 of Citation No. 21-16C-001.

**ADMINISTRATIVE PENALTY**

Sections 116650(d) and 116650(e) of the California Health and Safety Code allow for the assessment of a penalty for failure to comply with requirements of the California SDWA.

For failure to comply with citation directives, the Division hereby assesses the Water System the following civil penalties:

- Directive 2 of Citation No. 21-15C-005: Collect and submit 2015 lead and copper sample results. **(Total: \$1000)**
- Directive 3 of Citation No. 21-15C-005 (\$500), Directive 2 of Citation No. 21-15C-034 (\$1000) and Directive 1 of Citation No. 21-16C-001 (\$2000): Submit certification of Tier 3 notification of failure to sample lead and copper in 2014 and 2015. **(Total: \$3500)**
- Directive 3 of Citation No. 21-16C-001: Submit certification of Tier 2 notification of failure to sample lead and copper in 2014 and 2015 **(Total: \$500).**
- Directive 2 of Citation No. 21-15C-034 (\$500), and Directive 1 of Citation No. 21-16C-001 (\$1000): Submit certification for the delivery of the 2014 Consumer Confidence Report. **(Total: \$1500)**

- Directive 2 of Citation No. 21-15C-034 (\$500), and Directive 1 of Citation No. 21-16C-001 (\$1000): Submit certification of Tier 3 notification of failure to distribute the 2014 Consumer Confidence Report. **(Total: \$1500)**

**The total civil penalties assessed by this citation are \$8,000.**

Directions for paying this penalty are included in Directive No. 2 of this Citation. Continued failure to comply with the aforementioned directives may result in additional enforcement actions against the Water System by the Division, which may also include penalties.

### **DIRECTIVES**

The Water System is hereby directed to take the following actions:

1. Comply with all directives specified within Citation No. 21-16C-001 (Issued January 27, 2016), by **September 23, 2016**.
2. **Submit to the Division by November 9, 2016, a check for the penalty of \$8,000.00 imposed by this Citation.** The citation number (21-16C-024) shall be written on the check. The check shall be made payable to the **California Division of Drinking Water – Safe Drinking Water Account** and mailed to the Board along with Attachment 'A' entitled "Notice of Citation Issuance."
3. Complete and return Attachment 'B' entitled "Compliance Certification" to the address listed below by **November 23, 2016**.





1 Reese B. Crenshaw, P. E.  
2 Valley District Engineer  
3 Drinking Water Field Operations  
4 Division of Drinking Water  
5 State Water Resources Control Board  
6 364 Knollcrest Drive, Suite 101  
7 Redding, CA 96002  
8 (530) 224-4800  
9

10 Nothing in this Citation relieves the Water System of its obligation to meet the  
11 requirements of the California SDWA or any regulation, permit, standard or order issued  
12 or adopted thereunder. The Division reserves the right to make such modifications to  
13 this Citation, as it may deem necessary to protect public health and safety. Such  
14 modifications may be issued as amendments to this Citation and shall be effective upon  
15 issuance.

16  
17 **FURTHER ENFORCEMENT ACTION**

18 The California SDWA authorizes the Board to: issue a citation with assessment of  
19 administrative penalties to a public water system for violation or continued violation of  
20 the requirements of the California SDWA or any permit, regulation, permit or order  
21 issued or adopted thereunder including, but not limited to, failure to correct a violation  
22 identified in a citation or compliance order. The California SDWA also authorizes the  
23 Board to take action to suspend or revoke a permit that has been issued to a public  
24 water system if the system has violated applicable law or regulations or has failed to  
25 comply with an order of the Board; and to petition the superior court to take various  
26 enforcement measures against a public water system that has failed to comply with or



1 violates an order of the Board. The Board does not waive any further enforcement  
2 action by issuance of this citation.

3  
4 **PARTIES BOUND**

5 This Citation shall apply to and be binding upon the Water System, its officers, directors,  
6 shareholders, agents, employees, contractors, successors, and assignees.

7  
8 **SEVERABILITY**

9 The Directives of this Citation are severable, and the Water System shall comply with  
10 each and every provision thereof, notwithstanding the effectiveness of any other  
11 provision.

12  
13 9/9/2016

14 Date

12  
13 Richard L. Hinrichs

14 Richard L. Hinrichs, P.E., Chief

15 Northern California Section

16 Division of Drinking Water

17 State Water Resources Control Board

18  
19 Attachments:

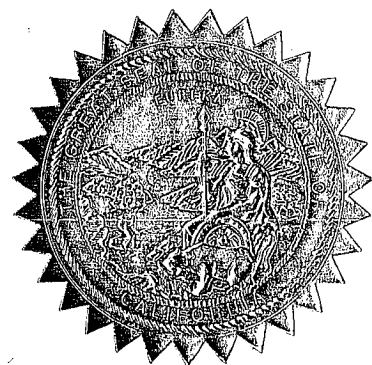
20 'A' Notice of Citation Issuance

21 'B' Compliance Certification

22  
23 cc: Bruce Burton, Assistant Deputy Director,

24 -Northern California Drinking Water FOB

25 Di Aulabaugh - Glenn County Board of Supervisors Clerk



**STATE OF CALIFORNIA  
Division of Drinking Water  
State Water Resources Control Board**

**Notice of Citation Issuance**

**System Name:** Butte City Community Services District

**System Number:** 1100711

**Background Statement**

During the month of September 2016, the Division of Drinking Water issued Citation Number 21-16C-024 to the Butte City Community Services District. The citation carried an administrative penalty in the amount of \$8,000.00

**Method of Payment**

A check for the total amount of the administrative penalty and a copy of this form shall be submitted to the Division by **November 9, 2016**. The citation number shall be written on the check. The check shall be made payable to the California Division of Drinking Water Safe Drinking Water Account and submitted to:

SWRCB Accounting Office  
Attn: Drinking Water Program  
PO Box 1888  
Sacramento, CA 95812-1888

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Please attach check below:

## COMPLIANCE CERTIFICATION

Citation Number: **21-16C-024**

Name of Water System: **Butte City Community Services District**

System Number: **1100711**

As required by Section 116450 of the California Health and Safety Code, I certify that the Butte City Community Services District complied with the directives of this citation as indicated below:

<u>Required Action</u>	<u>Date Completed</u>
Payment of \$8,000.00 Administrative Penalty to the Division of Drinking Water in Sacramento, as required by Directive 2	_____
_____ Signature of Water System Representative	_____ Date

Attach a copy of the check for payment of the administrative penalty.

**THIS FORM MUST BE COMPLETED AND RETURNED TO THE DIVISION  
NO LATER THAN NOVEMBER 23, 2016**

**Disclosure:** Be advised that Section 116725 and 116730 of the California Health and Safety Code states that any person who knowingly makes any false statement on any report or document submitted for the purpose of compliance with the attached order may be liable for a civil penalty not to exceed five thousand dollars (\$5,000) for each separate violation for each day that violation continues. In addition, the violators may be prosecuted in criminal court and upon conviction, be punished by a fine of not more than \$25,000 for each day of violation, or be imprisoned in county jail not to exceed one year, or by both the fine and imprisonment.